

EXHIBIT “A”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

1800 SOUTH MAPLE STREET, LLC, et al.,)	Civil No.07cv2030-JM(NLS)
Plaintiffs,)	
v.)	ORDER FOLLOWING EARLY
)	NEUTRAL EVALUATION
ALLIED PROPERTY & CASUALTY)	CONFERENCE, SETTING RULE 26
INSURANCE CO., et al.,)	COMPLIANCE, AND NOTICE OF
Defendants.)	<u>TELEPHONIC</u> CASE MANAGEMENT
)	CONFERENCE

On January 10, 2008, the Court convened an Early Neutral Evaluation Conference in the above-entitled action. The case did not settle. The Court discussed compliance with Federal Rule of Civil Procedure, Rule 26, and based thereon, issues the following orders:

1. Counsel are ordered to appear **telephonically** on March 7, 2008 at 10:00 a.m. before Magistrate Judge Stormes for a Case Management Conference pursuant to Federal Rule of Civil Procedure 16(b). Plaintiffs' counsel shall initiate the telephonic conference.

2. The Rule 26(f) conference shall be completed on or before February 6, 2008.

3. A Joint Discovery Plan shall be lodged with Magistrate Judge Stormes on or before February 15, 2008. (The date and time for the CMC should be included in the caption of the Joint Discovery Plan.)

4. The date of initial disclosure pursuant to Rule 26(a)(1)(A-D) shall occur on or before February 22, 2008.

5. As agreed by the parties during the January 10, 2008 Early Neutral Evaluation Conference, Plaintiffs' counsel shall send a letter to defense counsel that: (a) identifies the parties to the underlying settlement agreement, (b) what each party paid in the settlement, and (c) whether that party is a named insured in the policy at issue in this case, and if not, how that party claims coverage under the policy.

Plaintiffs' counsel shall serve a copy of this order on all parties that enter this case hereafter. Each responsible attorney of record and all parties representing themselves shall participate in the conference. Represented parties need not participate.

Failure of any counsel or party to comply with this order will result in sanctions.

IT IS SO ORDERED.

DATED: January 10, 2008



Hon. Nita L. Stormes
U.S. Magistrate Judge

EXHIBIT “B”



Rockwood & Noziska LLP
ATTORNEYS AT LAW

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FOR SETTLEMENT PURPOSES ONLY

January 25, 2008

VIA FACSIMILE ONLY

Howard M. Garfield, Esq.
Long & Levit LLP
465 California, Suite 500
San Francisco, CA 94104
Facsimile: 415.397.6392

Re: 1800 South Maple et al. v. Allied Property and Casualty, et al.
Our File No.: 1026.02

Dear Counsel:

On January 10, 2008, the Court issued an order directing Plaintiffs to provide AMCO/Allied/Nationwide with coverage information requested during the Early Neutral Evaluation Conference ("ENE") held on the same date. Accordingly, Plaintiffs reserve all rights and this correspondence is not to be construed as a coverage analysis, as that burden rests with the insurer. Pursuant to the Court's order, Plaintiffs submit the following to Defendants.

First, the parties to the settlement agreements are the same as the defendants in the underlying third party action entitled *The Hidden Glen Maintenance Corporation v. 1800 South Maple Street, LLC, et. al.*, GIC 852647, a copy of which is enclosed for your reference. As we already provided you with the settlement agreement and releases at the ENE and the parties to the releases are identified in the first paragraph of each release, we presume you do not need another set of the releases for your reference.

Second, the named insureds under policy number ACP BPH 7801069841 are ACDW Properties/Giannella Properties, and 4-Way Farms. Also named as an Additional Insured is South Maple Street, LLC with a designated premises of 1800 South Maple Street, Escondido, CA. Other defined insureds under the policy Section II "Who Is An Insured" Paragraphs 1a. through e. include several other defendants in the underlying

Howard M. Garfield, Esq.

Re: 1800 South Maple et al. v. Allied Property and Casualty, et al.

January 25, 2008

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FOR SETTLEMENT PURPOSES ONLY

third party action. Further information pertaining to each defendant was in AMCO's possession or equally available prior to the first denial, and evidenced by documents including, but not limited to, the insurance policy; the underlying complaint; AMCO's underwriting file; AMCO's agent's file; and filings with the California Secretary of State.

Third, the money paid out in the underlying third party action was paid directly and/or indirectly by Messrs. Ayyad and Giannella through Premier Communities LLC, also a defendant in the underlying third party action, and a member and insured as defined under the policy.

This should adequately provide you with the explanation you requested in court and as ordered by the Judge.

Please let us know when we can meet and confer prior to the meet and confer deadline of February 6, 2008, imposed by the Court.

Very truly yours,



NEAL H. ROCKWOOD

NHR/clf

EXHIBIT “C”



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January 30, 2008

VIA FACSIMILE ONLY

Howard M. Garfield, Esq.
Long & Levit LLP
465 California, Suite 500
San Francisco, CA 94104
Facsimile: 415.397.6392

Re: 1800 South Maple et al. v. Allied Property and Casualty, et al.
Our File No.: 1026.02

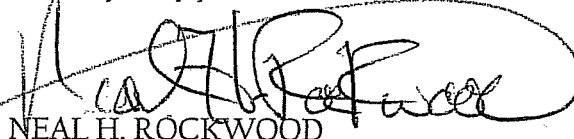
Dear Counsel:

You still have not responded to our request to meet and confer pursuant to Rule 26(f). We are available either Friday, January 31st after 1:00 p.m. or Tuesday, February 5th. We expect this to be recorded by a court reporter.

In addition, your opposition to our ex parte application misstates our obligation under the recent Early Neutral Evaluation order dated January 10, 2008, issued by Judge Stormes, which required Plaintiffs' counsel "...to send a letter to defense counsel that: (a) identifies the parties to the underlying settlement agreement, (b) what each party paid in the settlement, and (c) whether that party is a named insured in the policy at issue in this case, and if not, how that party claims coverage under the policy." This we have done.

Please advise us on your availability to meet and confer as ordered by the Court.

Very truly yours,



NEAL H. ROCKWOOD

NHR/cka/clf

EXHIBIT “D”

LONG & LEVIT LLP

ATTORNEYS AND COUNSELORS AT LAW

Howard M. Garfield
Partner

Email: hgarfield@longlevit.com
Direct Dial: 415-438-4545

January 30, 2008

S5240.336

VIA FACSIMILE ONLY

Neal H. Rockwood, Esq.
Rockwood & Noziska, LLP
5060 North Harbor Drive, Suite 255
San Diego, CA 92106

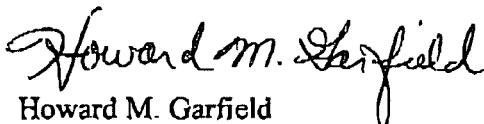
Re: 1800 South Maple et al. v. Allied Property and Casualty, et al.

Dear Neal:

Karen and I are available to meet and confer pursuant to Rule 26(f) on Tuesday, February 5th, after 5 PM. I have a FINRA binding arbitration on February 4th and 5th until 5 PM each day. Because Karen and I are not located in San Diego County, we are permitted under the rules to participate by telephone, and we will do so. We will initiate the call as soon as I return to my office on the 5th at the conclusion of the arbitration.

We do not perceive the need for nor do we consent to the recording of our telephone conversation. There is no provision for such recording in either the local rules or the Federal Rules of Civil Procedure, and we understand that it is a criminal misdemeanor under California law to record a telephone conversation without the consent of all the participants.

Very truly yours,


Howard M. Garfield

FAX COVERSHEET**LONG & LEVIT LLP**

ATTORNEYS AND COUNSELORS AT LAW

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Date: January 30, 2008

Please deliver the following page(s) to:

ADDRESSEE	FAX NO.	PHONE
Neal H. Rockwood, Esq. Rockwood & Noziska, LLP	(619) 224-7779	(619) 224-7778
SENT BY: : Howard M. Garfield SENDER ID: 175		
TOTAL PAGES: : <u>2</u> Including coversheet		
CASE NAME: : <i>1800 South Maple Street, LLC, et al. v. Allied Property and Casualty Ins. Co., et al.</i>		
CASE NUMBER: : S5240.336		
DOCUMENT SENT: : Response to 1/30/08 letter		
MESSAGE :		

Original will not follow by regular mail

Operator's Name

Signature

The LONG & LEVIT LLP fax number is (415) 397-6392. If you do not receive all pages, please call (415) 397-2222, Ext. 4459 as soon as possible.

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